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January 8, 2016

BY ECF

Honorable Robert M. Levy
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Cooper v. City of New York, et al., No. 14 Civ. 1761 (RJD) (RML)

Dear Judge Levy:

I represent Plaintiff in the above-captioned action. I write to raise certain issues arising from yesterday's conference and ask Your Honor to compel (1). the production of a privilege log concerning all documents withheld by defendants relating to the "Risk Management Bureau" ("RMB") , or in the alternative an affidavit attesting that no such documents exist, (2). the production to Your Honor for in camera inspection all documents relating to defendant Pizzarro's interactions with the RMB, and 3.) the disclosure of whether defendants Taylor and Walsh have also been assessed by the RMB.

Production Of A Privilege Log

During yesterday's conference, defendants asserted that there was no need for a privilege log as there were "no documents". Given defendants' various assertions of privilege in his December 8, 2015 application for a protective order, defendants' request to provide Your Honor documents in camera, as well as the improbability of an investigation of a unionized NYPD officer without written documentation, I respectfully request that Your Honor compel defendants to provide a privilege log. If no documents exist, I respectfully request an affidavit from someone with firsthand knowledge to that effect.

Production Of The Complete Pizzarro RMB File

At the conclusion of yesterday's conference, it was not clear to plaintiff what documents defendants would submit for Your Honor's inspection. Plaintiff respectfully requests that defendants be ordered to provide all documentation concerning Pizzarro and the RMB and not RMB documents alone.

Taylor and Walsh's involvement with the RMB

I respectfully request that defendants be compelled to inform plaintiff whether defendants Walsh and Taylor had any interaction with the RMB. In the event that they have had such interaction, plaintiff respectfully requests that defendant also produce their complete RMB files for Your Honor's in camera inspection.

I thank Your Honor for the kind consideration of plaintiff's requests.

Respectfully submitted,

/s

Robert Marinelli

cc: ACC Tobias Zimmerman (By ECF)